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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
STRATEGIC POLICY DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
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KATHRYN S. KENYON, CSR
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APPEARANCES

COMMITTEE MEMBERS

Ms. Margo Red Brown, Chairperson

Ms. Rosalie Mul

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliot Block, Chief Counsel

Ms. Kristen Garner, Executive Assistant

Ms. Mindy Fox, Assistant Director, Education & Environment
Section

Howard Levenson, Deputy Director, Permitting and
Enforcement

Mr. John Smith, Manager, Waste Prevention & Market
Development Branch

ALSO PRESENT

Mr. John Cupps

Mr. George Eowan, California Refuse Removal Council

Ms. Andrea Lewis, CalEPA

Ms. Leslie Mintz-Tamminen

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning, everyone. Thank
3 you for your indulgence. And welcome to the first meeting
4 of the Strategic Policy Development Committee, which is a
5 new committee.

6 Rosalie mentioned yesterday, at the Permitting and
7 Compliance Committee, what the intention of that committee
8 is. And the purpose of this committee -- as it moves
9 forward, we've gone through a restructuring and some
10 governance policy exercises. And the purpose of this
11 policy is to, on a regular basis, review our governance
12 policies and our relationship with the staff and the Board
13 and what our goals are as an organization, moving forward.

14 We will also be discussing larger policy issues
15 that have implications across the entire organization that
16 will possibly become strategic directives that we operate
17 by. And those will be reviewed in this committee as well.

18 For today's committee meeting, we have agendas in
19 the back of the room. If anyone would like to speak, I
20 would like you to please fill out a speaker form and bring
21 it to Kristen. And you will have the opportunity to
22 address the committee.

23 Just a brief reminder to put your cell phones on
24 the vibrate mode. We would appreciate that.

25 And Kristen, could you call the roll?

1 EXECUTIVE ASSISTANT GARNER: Danzinger?

2 Mulé?

3 COMMITTEE MEMBER MULÉ: Here.

4 EXECUTIVE ASSISTANT GARNER: Petersen?

5 COMMITTEE MEMBER PETERSEN: Here.

6 EXECUTIVE ASSISTANT GARNER: Brown?

7 CHAIRPERSON BROWN: Here.

8 And I will mention, Member Danzinger will be
9 joining us shortly. He had a previous commitment.

10 And you will notice, this is a committee of the
11 whole, since we will be taking up broad policy issues
12 these will be -- this will continue to operate as a
13 committee as a whole.

14 Any ex partes to report?

15 COMMITTEE MEMBER MULÉ: I'm up to date, Madam
16 Chair.

17 COMMITTEE MEMBER PETERSEN: I'm up to date, Madam
18 Chair.

19 CHAIRPERSON BROWN: As am I.

20 Okay. We will move first then to Committee Item
21 A, Board Item 5. And our chief counsel, Elliot Block,
22 will make the presentation. Good morning.

23 (Thereupon an overhead presentation was
24 presented as follows.)

25 CHIEF COUNSEL BLOCK: Good morning. I'm here to

1 make the presentation regarding consideration and adoption
2 of the Board's 2007 Rulemaking Calendar.

3 --o0o--

4 CHIEF COUNSEL BLOCK: This is an annual event; the
5 one presentation I get to make every year.

6 We're required to publish this annually, through
7 the Administrative Procedures Act and the Executive Order.
8 And the rulemaking calendar lists the regulations that the
9 Board intends to develop and adopt over the coming year.

10 The Attachment 1 is the draft rulemaking calendar
11 and it's based on input from the various regulation
12 coordinators and the different divisions around the Board.

13 Last year's calendar had 17 regulation packages;
14 13 of those are being carried over; two were approved; and
15 two were removed. And I wasn't going to go into the
16 details about those unless you had questions, but they are
17 listed on Page 2 of the item.

18 The 2007 calendar has 16 rulemaking packages
19 listed; three of them are new ones that are being added,
20 potentially for this year. Again, those are listed on
21 Page 2.

22 --o0o--

23 CHIEF COUNSEL BLOCK: The main thing to remember
24 about the rulemaking calendar is that it is just a
25 snapshot in time. The Board is not bound by the projected

1 dates in the calendar. The Board is able to add new
2 rulemaking packages during the year if something not
3 reasonably anticipated came up. Emergency rulemakings are
4 not required to be on here. So again, if there's some
5 need for new emergency regulations, we can add those. And
6 in fact, over the last couple of years, we have added a
7 couple of items.

8 So really, it's just an administrative requirement
9 that once a year, every agency has to come up with a
10 calendar and says this is what we think we're going to be
11 doing this year, just so the public has a list to look at.

12 And that's actually my entire presentation. I
13 would ask that you recommend forwarding this to the full
14 Board for approval and so then we could submit it to the
15 Office of Administrative Law. I can answer any questions
16 about packages. I think we have some folks in the
17 audience as well, if you wanted some more specific
18 details.

19 CHAIRPERSON BROWN: Thank you.

20 CHIEF COUNSEL BLOCK: That would conclude my
21 presentation.

22 CHAIRPERSON BROWN: That is very efficient of you,
23 timewise.

24 Do we have any questions from members?

25 Rosalie?

1 COMMITTEE MEMBER MULÉ: Thank you, Madam chair.

2 I guess on Page 8, the -- I just want to make sure
3 that I understand what we're -- the status of these
4 rulemaking packages. The revision to form 303, his is --
5 again the Board, had approved it. So it's just on here
6 because it's pending OAL approval?

7 CHIEF COUNSEL BLOCK: Correct. The way that the
8 rulemaking calendar works, you're actually -- the
9 regulation package is supposed to be on the rulemaking
10 calendar for the year in which it's submitted and
11 approved.

12 So since it's pending approval, we're wanted on
13 the 2007 calendar. But yeah, that will obviously come off
14 shortly.

15 COMMITTEE MEMBER MULÉ: Okay. And then on the
16 rigid plastic packaging containers, revisions to improve
17 and clarify, can somebody give us a little bit more detail
18 as to what that might entail?

19 CHAIRPERSON BROWN: John Smith?

20 CHIEF COUNSEL BLOCK: And as John is walking up,
21 you will notice on the -- on that again on Page 8, it
22 links to, actually, the regulation package listed on the
23 bottom of Page 1 as well. There's been some new
24 legislation. So we wanted to recognize the fact that we
25 had some carryover because we intended on making some

1 adjustments, and there's some new requirements that need
2 to be ...

3 WASTE PREVENTION & MARKET DEVELOPMENT BRANCH

4 MANAGER SMITH: Good morning, Madam Chair and Committee
5 Members.

6 I'm John Smith, for the record, deputy
7 director for -- acting deputy director for Waste
8 Prevention and Market Development.

9 This rulemaking is being proposed because there
10 has been some legislative changes, significant legislative
11 changes that require that we change the regulations to
12 reflect that.

13 Also, there -- we've learned a lot from the
14 ten-odd years we've had this program, and we see the need
15 to develop some better procedures and regulations so
16 stakeholders understand what they are governed under.

17 And then certain problems have evolved, over the
18 years, of implementation which we think the regulations
19 can clarify. That's what it entails briefly, in that
20 package.

21 CHAIRPERSON BROWN: When are we looking at doing
22 this? And how are you looking -- are we having
23 stakeholder meetings?

24 CHIEF DEPUTY DIRECTOR NAUMAN: Madam Chair, if I
25 may comment on this.

1 We did meet with staff yesterday to discuss the
2 program.

3 We're anticipating bringing an item to the Board
4 around March, where we will kind of discuss the -- staff's
5 perceived need to start a reg package. There's some
6 discussion about the process by which we will identify the
7 issues, involve stakeholders. So we will be coming to you
8 with some ideas about the process and seeking your
9 direction before we commence the informal process.

10 CHAIRPERSON BROWN: Okay. Thank you.

11 WASTE PREVENTION & MARKET DEVELOPMENT BRANCH

12 MANAGER SMITH: You're welcome.

13 COMMITTEE MEMBER MULÉ: Madam Chair, I would like
14 to move adoption.

15 CHAIRPERSON BROWN: I'm sorry. I thought you had
16 another question.

17 I have a question.

18 COMMITTEE MEMBER MULÉ: Oh, no. Sorry.

19 CHAIRPERSON BROWN: I think this is Howard.

20 The rulemaking on the mammalian tissue composting,
21 can you just give a brief description, for the benefit of
22 my fellow Board members, what it is and what we intend to
23 do, so that we have a clarification, just so that we can
24 have it in the record?

25 DEPUTY DIRECTOR LEVENSON: Hi, Madam Chair and

1 Board Members. Howard Levenson, deputy director for
2 Permitting and Enforcement.

3 This rulemaking would be addressing -- trying to
4 address the situation that we encountered last summer,
5 when there was a severe heatwave and we had mortality of
6 cattle, 30,000 head of cattle, and some 400 or 500,000
7 poultry that died last year.

8 We currently have a prohibition in our composting
9 regulations that does not allow for the composting of
10 mammalian flesh. It's a lovely subject to be talking
11 about.

12 CHAIRPERSON BROWN: It's before lunch.

13 DEPUTY DIRECTOR LEVENSON: And we have been
14 working with food and -- Department of Food and Ag to
15 examine whether it might be possible to open up that
16 prohibition a little bit. Because one of the concerns
17 that Food and Ag has is that rendering plants are on the
18 decline, so they are looking for alternative management
19 methods.

20 So what we would be doing is coming to you with a
21 proposal to open up a research provision for controlled
22 studies on the composting of mammalian flesh. We would
23 coordinate that with the LEAs and with the Department of
24 Food and Ag. And then based on the results of that,
25 subsequently, may ask you to approve a little broader

1 provision. But this is trying to set up, before another
2 heatwave, the ability to at least conduct some pilot
3 research product projects and get better data on this
4 issue.

5 CHAIRPERSON BROWN: Great. Thank you. Don't go
6 anywhere. Because I'm new to this. I just have some
7 green questions.

8 Explain to me, on 1497, why this is still -- I
9 thought we adopted the permanent regs on 1497, and it says
10 it's an ongoing project.

11 DEPUTY DIRECTOR LEVENSON: Elliot -- this is
12 probably one of the items that Elliot referred to. We
13 still have to prep the final package and submit that to
14 Office of Administrative Law And get their --

15 CHAIRPERSON BROWN: So it hasn't gone to OAL yet?

16 DEPUTY DIRECTOR LEVENSON: I will have to check on
17 that. We were -- I know that Bobby Garcia has been
18 working on it.

19 CHIEF COUNSEL BLOCK: It hasn't physically gone
20 over yet. Michael yelled from the back.

21 There are typically, with a regulation package,
22 particularly, if there's a lot of comments, it will take a
23 couple of months usually, after Board approval, to gather
24 all the comments, the responses to comments, gather the
25 various documents.

1 CHAIRPERSON BROWN: So it might be better, rather
2 than saying "ongoing project," it might say "pending
3 transmission to OAL"; "Board approved. Pending
4 transmission to OAL."

5 CHIEF COUNSEL BLOCK: Okay.

6 CHAIRPERSON BROWN: And then the other one --
7 there are two separate listings. One's on Schedule A, and
8 one's on Schedule B about financial assurance and
9 post-closure.

10 You're going -- two separate packages. We've got
11 one in the development stage, somewhat informal. And then
12 just cleanup language for current financial assurance; is
13 that my understanding?

14 CHIEF COUNSEL BLOCK: This is also similar to what
15 I was talking about with the RPPC. We had some ongoing
16 work we were doing for revising those closure
17 requirements, and then AB 2296 passed, had some other
18 specifics. I don't know if we were thinking of doing
19 this -- combining them at some point or still running them
20 through as two separate packages. I maintain them in the
21 calendar as two separate packages to show some carryover
22 from last year. But that's why the note talks about that
23 they are somewhat related.

24 DEPUTY DIRECTOR LEVENSON: AB 2296, as you know,
25 does provide for two separate regulatory packages. The

1 first would be, per the statute -- is to cover issues
2 related to cost estimates on post-closure maintenance
3 plans. And we'll be coming back to you, I hope, in March,
4 seeking more direction on that package.

5 The second part of the statute is to conduct the
6 study on long-term financial assurance mechanisms. And
7 then, based on the results of that, to initiate a second
8 rulemaking. And I believe that Schedule B is referring to
9 that one? I'm sorry.

10 CHAIRPERSON BROWN: That would be Schedule A
11 wouldn't it? Isn't Schedule A what is actually impacted
12 by 2006 statutory change?

13 CHIEF COUNSEL BLOCK: Correct.

14 CHAIRPERSON BROWN: Okay. So that -- AB 2296
15 would be the second, which was Schedule A.

16 Schedule B is the rulemaking that we're already
17 contemplating?

18 CHIEF COUNSEL BLOCK: Correct.

19 DEPUTY DIRECTOR LEVENSON: But which was in
20 process informally in 2006 and which is also impacted by
21 AB 2296.

22 CHAIRPERSON BROWN: Right. But we are in
23 discussion on how we look at both of these in light of the
24 passage of 2296, how the first rulemaking package would be
25 impacted and may be changed slightly in order to take into

1 account what 2296 specifically requires.

2 DEPUTY DIRECTOR LEVENSON: Correct.

3 CHAIRPERSON BROWN: Thank you.

4 CHIEF COUNSEL BLOCK: Correct.

5 CHAIRPERSON BROWN: Just for clarification. Okay.

6 My questions, I think, are exhausted.

7 COMMITTEE MEMBER MULÉ: Madam Chair, I would like
8 to move Resolution 2007-1.

9 COMMITTEE MEMBER PETERSEN: I will second that.

10 CHAIRPERSON BROWN: It's been moved by Member Mul
11 and seconded by Member Petersen.

12 Kristen, can you call the roll?

13 EXECUTIVE ASSISTANT GARNER: Mulé?

14 COMMITTEE MEMBER MULÉ: Aye.

15 EXECUTIVE ASSISTANT GARNER: Petersen?

16 COMMITTEE MEMBER PETERSEN: Aye.

17 EXECUTIVE ASSISTANT GARNER: Brown?

18 CHAIRPERSON BROWN: Aye.

19 And we will hold that open for Member Danzinger,
20 should he be here.

21 Okay. Now we will move next to Committee Item B,
22 Board Agenda Item 6. And Mindy Fox will make that
23 presentation.

24 EDUCATION & ENVIRONMENT ASSISTANT DIRECTOR FOX:

25 Thank you. Good morning, Madam Chair and Board Members.

1 For the record, I'm Mindy Fox, assistant director
2 of the Office of Education and the Environment.

3 And I'm here today to present Item 6,
4 Consideration of an MOU between Heal the Bay and the
5 California Integrated Waste Management Board, and CalEPA.

6 Following my short, possibly not as succinct
7 presentation as Elliot, I will invite Andrea Lewis from
8 CalEPA to share a few words, and Leslie Mintz-Tamminen is
9 in the office -- in the room, if you have any questions
10 for her.

11 The purpose of the MOU before you is to formalize
12 the public-private partnership between the Board, CalEPA,
13 and Heal the Bay, to assist meeting the mandates of the
14 Environmental Education Initiative, also known as EEI.

15 Heal the Bay was a sponsor of AB 1548, the law
16 that created the EEI. And for the past three years, Heal
17 the Bay has been an instrumental partner in the
18 implementation this law. Assisting the state of
19 California in implementation has become a Heal the Bay
20 strategic priority. Heal the Bay has been involved with
21 efforts ranging from soliciting participation from
22 National Geographic Society to meeting with private
23 foundations such as Annenberg and Packard regarding
24 funding and EEI implementation.

25 This MOU formally acknowledges Heal the Bay's role

1 to obtain funding for EEI efforts and to coordinate with
2 the Board and CalEPA regarding our mutual effort regarding
3 the EEI development and implementation.

4 Heal the Bay is uniquely situated to solicit
5 private funds for the upcoming phases of the EEI. Up
6 until now, efforts have been directed towards developing
7 the environmental principles and concepts, writing the
8 model curriculum plan, and hiring the principal
9 consultant, writers, editors, and graphic designers. Now
10 the writers are creating the draft model curriculum, and
11 we're on the verge of pilot and field testing that model
12 curriculum across 20 school districts with teachers across
13 the state.

14 During what we call Phase 5 of EEI, we will be
15 rolling out the EEI curriculum to over 1,000 school
16 districts, statewide. That means 6 million students
17 across California will be impacted by receiving the
18 kindergarten to grade 12 curriculum. And this is a very
19 ambitious undertaking. It requires commensurate funding
20 Heal the Bay is prepared and well versed to tackle that
21 fund raising effort.

22 I would like to sum up by saying this MOU
23 basically documents the existing working relationship that
24 we already have with Heal the Bay, CalEPA, and the Board.

25 With the document in hand, the MOU, Heal the Bay

1 can meet with the funders and advocate for EEI. We will
2 continue to coordinate our efforts to implement AB 1548
3 and get our model curriculum into all the schools
4 statewide.

5 With that, I'd like to turn the microphone over to
6 Andrea Lewis, assist secretary for CalEPA.

7 MS. LEWIS: Thank you, Mindy.

8 CHAIRPERSON BROWN: Hi, and welcome.

9 MS. LEWIS: Thank you. Good morning, Madam Chair
10 and Board Members. It's my pleasure to be here today and
11 to tell you how important this resolution and important
12 this agenda item is for us, in the Education and
13 Environment Initiative for the past three years. We have
14 been working hand and hand with Heal the Bay -- we,
15 meaning CalEPA and the Integrated Waste Management
16 Board -- with Heal the Bay who has been an instrumental
17 partner with us in terms of providing some perspective --
18 different perspective outside of government, from some
19 entity, from an entity that has been working hand in hand
20 but also instrumental just in the initial passage of the
21 law.

22 With that tremendous back ground and perspective,
23 I would urge that we move forward with the resolution and
24 the memorandum of understanding as we move into Phase 5
25 considering that we have at least ten phases of this

1 project. But certainly, Phase 5 as we look at the crucial
2 funding considerations that -- as we have for putting this
3 model curriculum into the hands of teachers and students
4 around the State of California.

5 Thank you very much.

6 CHAIRPERSON BROWN: Thank you for your hard work,
7 Andrea. I know it's -- along with our staff and Leslie,
8 it's been long hours and it only can be done by someone
9 who's passionate about what they are doing.

10 MR. LEWIS: You're welcome. It is truly an
11 honor -- as I've said repeatedly, it is truly an honor to
12 work with you and the Board on this initiative. It is
13 something that will truly -- as I've said, if I can say it
14 very casually, that I have worked for the State of
15 California for a long time. And I have worked on projects
16 that I thought were very important and they're -- I'm not
17 certain when you, in a career that you have, that you have
18 the opportunity to work on a program or a project or
19 initiative of this sort that really will make a
20 difference. And that's why we are all so passionate about
21 this, because we know what the potential is. And
22 especially the great product we are going to have with
23 this curriculum.

24 So thank you.

25 CHAIRPERSON BROWN: Thank you very much. I think

1 we'll hold questions or comments until we have we have an
2 opportunity for Leslie Tamminen -- Leslie, do you want to
3 come up now? We'll hold questions and additional comments
4 from Board members, until after we have a chance to hear
5 from her.

6 MS. MINTZ-TAMMINEN: Good morning. I would just
7 briefly like to say, I'm so touched by your words. But I
8 just wanted to thank the Board for selecting Mindy Fox as
9 the position of acting director. It's just been a delight
10 to work with her.

11 And I feel, with her appointment, that you really
12 have the best possible team in place now between Andrea at
13 EPA and Mindy. And it's been fabulous to meet her, and I
14 look toward to working with her.

15 I also wanted to thank you Elliot Block who made
16 the preparation of this, you know, kind of difficult
17 document really simple and effortless. And I appreciate
18 his time and his input. And I just -- I think he's a
19 fabulous counsel. So again, you've selected wonderful
20 staff.

21 So thank you very much.

22 CHAIRPERSON BROWN: Thank you, Leslie. We happen
23 to agree with you.

24 Any comments or anything from Board Members?

25 Gary?

1 COMMITTEE MEMBER PETERSEN: Well, two things:

2 One, it is a grand thing; and I'm going back to class.

3 (Laughter.)

4 CHAIRPERSON BROWN: I think you can teach a class,
5 Gary.

6 COMMITTEE MEMBER PETERSEN: No. Let the experts.

7 CHAIRPERSON BROWN: Rosalie?

8 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

9 I just have one question on the MOU. Just to make
10 sure that I understand it, in my mind, that the Board is
11 the responsible agency for this agreement. We're just
12 formalizing our agreement with Heal the Bay. And that in
13 that, you are the lead -- Heal the Bay is the lead for
14 the -- for the fundraising effort. And I know that this
15 is something that Heal the Bay wanted to have -- you know,
16 some formal agreement, which I couldn't agree with you
17 more.

18 MS. MINTZ-TAMMINEN: Thank you. Actually, it's
19 not a legally binding or enforceable agreement. And it
20 really is a memorialization of what's occurring right now.
21 But it is a very powerful tool to go to funders with. And
22 as Mark Leary and Andrea have heard, they want to see some
23 kind of accountability with a third-party entity. And to
24 have an august body, such as yourselves, take the time to
25 do a formal voting process and memorialize it is actually

1 incredibly powerful.

2 So even though it is not a binding document, it
3 does carry a lot of force and weight in the philanthropic
4 community and shows that the state is committed to working
5 with outside private partnerships.

6 Does that answer --

7 COMMITTEE MEMBER MULÉ: That's perfect. That's
8 exactly the answer I was looking for. So thank you very
9 much. And I look forward to continuing to work with you,
10 Leslie. Heal the Bay has been just instrumental in moving
11 this whole initiative forward. So thank you.

12 And I want to thank all our staff that's here. I
13 see some new faces and look forward to working with all of
14 you on this -- it really is, truly is, an important
15 project.

16 CHAIRPERSON BROWN: I have to agree. Having
17 worked with the nonprofit community, an MOU is crucial in
18 the fundraising process, to go out to Annenberg and those
19 large foundations. It shows the State's commitment.

20 COMMITTEE MEMBER MULÉ: Right.

21 CHAIRPERSON BROWN: And then we get to --
22 unfortunately the fun task of reporting to the Legislature
23 and the administration on the successes. So we get the
24 fun part. They get the hard part; we get the fun part.

25 Can I have a motion?

1 COMMITTEE MEMBER MULÉ: With that I would like to
2 move Resolution 2007-2.

3 COMMITTEE MEMBER PETERSEN: And I will second
4 that.

5 CHAIRPERSON BROWN: It's been moved by Member Mul
6 and seconded by Member Petersen.

7 Kristen, can you call the roll?

8 EXECUTIVE ASSISTANT GARNER: Mulé?

9 COMMITTEE MEMBER MULÉ: Aye.

10 EXECUTIVE ASSISTANT GARNER: Petersen?

11 COMMITTEE MEMBER PETERSEN: Aye.

12 EXECUTIVE ASSISTANT GARNER: Brown.

13 CHAIRPERSON BROWN: Aye. And we will hold that
14 open, too, for Member Danzinger, should he be able to join
15 us. And then we will move lastly to Board items --
16 Committee Item C, Board Agenda Item 7, Workshop on the
17 Board Governance Policies. And there's not a formal
18 agenda item written on this process. As some of you may
19 have known in our public meetings over the last six to
20 seven months, we have gone through the process of updating
21 and formalizing our procedures and our Board linkage
22 between the Board members and their responsibilities and
23 staff.

24 And we're now on to Phase 3, which is our
25 strategic directives, sort of a guide map, value

1 statement, where our priorities are, where we would like
2 to focus this organization, moving us more to a
3 policymaking Board, and allowing staff to do what they do
4 best, which is run programs, and be effective out in the
5 community, working with our local governments and
6 stakeholders. So we really are seeking some input from
7 the community and stakeholders and the public. It will be
8 just a dialogue today. There's a lot of work to be done
9 on these.

10 And I will ask Mark, if you have some words that
11 you would like to share before we begin.

12 EXECUTIVE DIRECTOR LEARY: I don't. Only -- Madam
13 Chair, in support of the Board's effort and our collective
14 efforts to put these together, I think this is something
15 we've talked about over the years and struggled with how
16 to compile. And I think this is a really a great start.
17 And I look forward to the Board's adoption of the
18 strategic directives.

19 I'm actually frankly surprised that it hasn't
20 generated more interest among our stakeholders. I
21 expected to see a few more faces, outside of our
22 organization, in the crowd. But maybe as the dialogue
23 continues, we will see that happen in the near term.

24 Thank you, Madam Chair.

25 CHAIRPERSON BROWN: Thank you. I have to agree,

1 we haven't put any lightning rods in there yet. But we
2 have got a lot of input. We have gotten some from the
3 agencies, some from the executive staff, which we will
4 continue to discuss feedback from our executive staff, as
5 we develop these and move them a little bit farther.

6 Gary?

7 COMMITTEE MEMBER PETERSEN: Madam Chair, I'm fine
8 right now.

9 CHAIRPERSON BROWN: Okay.

10 Is there anybody in the audience who has a
11 question or a comment or some information that they would
12 like to share regarding the strategic directives? Should
13 I just call you right up, John, since I know who you are?

14 For the record, my name is Joe Public.

15 (Laughter.)

16 CHAIRPERSON BROWN: Thank you. Better known as --
17 also known as John Cupps.

18 MR. CUPPS: Also known as John Cupps.

19 One of my clients -- I am a consultant and
20 obviously do a lot of business with this Board. And one
21 of my clients has asked me to offer a couple of comments.
22 And since we didn't really have a lot of time to discuss,
23 in detail, the strategic directives, to a large extent,
24 the comments really reflect my thinking, more than the
25 client's. So if you don't like what I have to say, shoot

1 the messenger, not the client.

2 CHAIRPERSON BROWN: It's a collaborative process.

3 We won't shoot Joe or John. But we appreciate your input.

4 MR. CUPPS: In terms of the strategic -- well,
5 actually, I guess I would like to comment just overall
6 about the governance policies. We really do applaud the
7 Board's efforts in developing these policies with the
8 understanding that it is the -- the real goal is to
9 increase the organization's efficiency and effectiveness
10 and really to provide the leadership to take this to the
11 next level in terms of integrated waste management and
12 waste diversion.

13 Now, in terms of the specific strategic
14 directives, I guess our initial reaction to it is that
15 there are certainly some things in the directives that we
16 like; there's some other things that we're a little bit
17 skeptical about; and then we think there are some things
18 that are, shall we say, missing, from the document.

19 In terms -- and in talking about those things,
20 really, I guess I would like to focus my remarks on -- in
21 three areas: one would be the measurement system; secondly
22 would be goals; and then third would be resources.

23 In terms of things we like about the document, the
24 commitment, as reflected in, I believe it is, Strategic
25 Directive -- under SD-3, Minimal Waste, "Introduce

1 legislation by September 2008, to develop a timely and
2 accurate compliance measurement system." We think that
3 this is absolutely fundamental to moving forward.

4 And if I read that correctly, or if I read that
5 directive correctly, and if I read the tea leaves around
6 here correctly, that probably means that you guys are
7 going through the administrative procedures necessary to
8 secure approval from the administration, to move toward
9 with such legislation.

10 Assuming that that's the case, I would certainly
11 encourage you to continue to pursue that, but would also
12 ask that once you get that approval, I think it's
13 fundamentally important that you begin an open dialogue
14 with your stakeholders about the details of that
15 measurement system.

16 Now, obviously that dialogue can and will take
17 place over in the Legislature. But I think the Board can
18 and should exercise the leadership to have that discussion
19 with its stakeholders directly.

20 Secondly, relative to a measurement system, it is
21 inevitable and necessary, if you talk about changing the
22 measurement system, that you have to talk about what the
23 goals are.

24 Even if you were just to take the existing 50
25 percent diversion goal and apply that to a new disposal

1 system, there would be very significant discussions that
2 need to take place in terms of how that would be measured.

3 But obviously, from the discussions that have
4 taken place in some of these working sessions and
5 certainly at the Board meetings, there's an obvious desire
6 on the part of this Board and I believe a whole lot of
7 stakeholders to go beyond 50 percent. But we need to have
8 that discussion about what those goals are.

9 A critical aspect of the discussion of what the
10 goals are has to do with what I think many of us consider
11 the paramount environmental challenge and priority of our
12 time, namely global warming. So any discussion of goals
13 has to take into consideration the global -- the global
14 warming issue and the objective of reducing CO2 emissions.

15 There is a lot of data out there that suggest that
16 waste diversion will, in fact, result in -- in a reduction
17 in CO2 emissions. Some of that data is very good, but a
18 lot of it is really very soft.

19 The reality is, we don't really know or -- with
20 certainty or with a good degree of technical confidence
21 about what the real world results of waste diversion are
22 in terms of CO2 emissions. I think for some diversion
23 activities, certainly, the traditional bottles and cans,
24 the evidence is pretty good.

25 When you get into other areas, like green waste

1 composting, the evidence is less compelling. Indeed,
2 there is EPA documents that suggest that green waste
3 composting is probably no better than actually disposing
4 of green waste in a landfill. Now, we all know that that
5 data is very soft and we also know that -- recognize -- I
6 recognize the fact that staff understands that, and that,
7 indeed, there's an agenda item on the Board this month to
8 commit resources to that.

9 But I guess my comment is that doing that type of
10 analysis, and frankly, it is reflected in your strategic
11 directives under the category of Full Cost Accounting of
12 all types of waste management options, that really needs
13 to become a very critical and very urgent priority,
14 because it feeds back into the discussion of what the
15 goals ultimately are.

16 So I will I would just like to emphasize that we
17 agree with that. But we feel that it is just critically
18 important that that become an urgent priority.

19 And there's another -- there's another aspect of
20 that too. And this gets into the resource question.

21 To the extent that diversion of waste does, in
22 fact, result in CO2 emission reductions, and to the extent
23 that that is verifiable, shall we say, there is a
24 potential that diversion can become a tradeable commodity
25 and become a source of infusing resources into the system

1 to push higher levels of diversion.

2 So for that reason too, we think that type of
3 technical analysis and work, to be able to document the
4 CO2 benefits of diversion, is absolutely essential.

5 I guess the other comment that I would make is
6 that in terms of resources, I guess -- I don't think
7 there's a jurisdiction in the state whose programs
8 couldn't be improved. And frankly, I don't think it takes
9 a lot of technical assistance from this board to do that.
10 I'm sure the -- there's a few jurisdictions who could use
11 the help. But the reality is, is what jurisdictions need
12 is the resources to do the job. And I think at some
13 point, if you are going to talk about higher goals, it's
14 critically important that you also address the resource
15 question. Certainly it is -- one way to go is of course
16 to just embrace a mandate and then go to others to make
17 the tough political decisions to raise the fees necessary
18 to get the resources to do the job. I would suggest that
19 that is an abdication of political leadership. There are
20 limits to what can be done in terms of raising the
21 resources at the local level.

22 One of the sources of funding, a lot of
23 jurisdictions have relied upon, is some type of tipping
24 fee surcharge. That's certainly the case for my San Luis
25 Obispo Integrated Waste Management Authority. We impose a

1 \$3-per-ton tipping fee on all waste disposed in the
2 county, to fund our programs. Now, that is actually small
3 in comparison to what some other jurisdictions do.

4 But some of those other jurisdictions have the
5 benefit of relatively lower landfill cost. Even without
6 the -- well, with that \$3 a ton, the last time I checked,
7 I think our typical tipping fees on the central coast are
8 somewhere between 45 to \$50 a ton. Certainly, higher than
9 many of the opportunities in Southern California; perhaps
10 not as high as some of the places here in northern
11 California. But there's a fundamental reality about
12 waste, and that is that waste will find lower cost
13 options.

14 We've already seen waste leaving the county, going
15 over the foothills, to cheaper disposal in the central
16 valley. And ultimately, the issue becomes one statewide,
17 ultimately to the extent you put fees on waste like that,
18 you run the risk of driving waste out of the state for a
19 lower cost of disposal. Right now, the City of Sacramento
20 ships its waste outside of Reno for that very reason.

21 So I think there -- you know, as you begin to look
22 at the resource issue, you need to look at that particular
23 aspect of it. And I think there are some changes that
24 have been discussed over the years that you need to
25 reexamine along those lines as well.

1 And I guess I will just -- before I get into any
2 further trouble, I will leave it at that.

3 CHAIRPERSON BROWN: Joe, thank you for your
4 comments.

5 (Laughter.)

6 CHAIRPERSON BROWN: I will just comment. Earlier,
7 your preamble to your actual remarks, there's some things
8 you like; there are some things you have more trouble
9 with; and some things that still need work. That means
10 that we probably are doing our job. And that's what we
11 want. We want people to like some things; everybody's not
12 going to like everything. But we still have work to do
13 too.

14 So I do appreciate your participation and your
15 comments. The Integrated Waste Management Board's
16 participation in the Climate Action Team does mean that we
17 will look at CO2 reductions and the analysis of waste in
18 place and methane emissions and where we can make those
19 reductions. So -- and you know the administrative
20 process, so I don't need to comment on that at all.

21 We do have another speaker, George Eowan, CRRC.

22 MR. EOWAN: Good morning. George Eowan,
23 California Refuse Removal Council. I wasn't going to say
24 anything, but Mr. Cupps always inspires me. So I thought
25 I would say a few things. Don't take that seriously,

1 John.

2 I think it's terrific, what you are doing. And I
3 speak for our membership. We're in a threshold year. And
4 frankly, I thought we were in a threshold year for the
5 past six years, seven years now. But it's great to see
6 the leadership coming out of the Board for so many
7 reasons. You know, we're in a time when we've reached
8 52 percent, and we're still disposing 40-some million
9 tons.

10 So there's certainly no time to stop working and
11 just sort of resting on our laurels. And everybody,
12 whether we're industry community or environmental
13 commitment or whatever stakeholders we're talking about,
14 local government, I think everybody is wondering what's
15 next.

16 And I think also everybody wants to participate in
17 the process of determining what that future will be. And
18 I see these directives as a way to encourage dialogue and
19 participation and get the best kinds of answers we
20 possibly can, by all of us working together to do that. I
21 think that's how we got here so far. I think it -- you
22 know, it's -- the Board process, one of a deliberative
23 dialogue, has allowed the best kinds of ideas to come
24 forward and help us attain these things. And I think
25 that's what you are trying to do now, and I really applaud

1 that.

2 You know, the whole -- the other thing is that
3 we're not only on a threshold level because of the numbers
4 and where we're trying to get to. But also because of the
5 fact that the waste issue itself is expanding into other
6 areas, finally. I mean, it's always been there. But
7 suddenly, there seems to be a recognition that we're just
8 not the guys that pick it up and put it in the ground, but
9 we'll really kind of a social/technical/scientific group
10 of people that are trying to manage a whole array of
11 things, and it has impacts and relationships to all kinds
12 of environmental and social issues. And I see that, you
13 know, resident in your strategic directives.

14 So I just want to encourage you. I'm looking
15 toward to working with you on that, and that's about it.

16 Happy New Year.

17 CHAIRPERSON BROWN: Thank you. We appreciate
18 that.

19 And it is exciting. I mean, I'm excited at where
20 we're going, and this is only a beginning. 13 is not a
21 magic number. It's where we are starting. As new
22 technologies, informations priorities raise themselves to
23 that level, we will have dialogue in this committee about
24 new directives that the board needs to look at.

25 So you know, we -- this is a changing document.

1 We'll be reviewing each of the directives annually. So
2 probably quarterly, we'll bring up that too. In this
3 committee we will probably be bringing speakers and
4 stakeholders and inviting panels for discussion on bigger
5 issues. Because I think as that Board -- and I don't want
6 to speak for everybody. But I think we really are
7 invigorated to look toward and look at new issues and
8 excited about what is next.

9 I mean, I haven't even hit my one-year anniversary
10 regarding the 50 percent. So I'm not taking credit for
11 it, because it was done a long time before I got here.
12 But you know, it does give us an opportunity to look at
13 what's next. And thank you for bringing that up, George.

14 John Cupps did mention something that we might
15 want to raise: What's missing? We know there's a lot of
16 things that are not necessarily covered in this yet.
17 There's not necessarily specific programs that are
18 discussed. We try to include certain programs and broader
19 discussions of goals, overall, waste minimization, things
20 like that, you know, tire program. We've got a huge tire
21 program.

22 We didn't want to get into picking programs and
23 pinholing [sic] the staff into directives that require
24 them to continue with certain programs.

25 So we will, you know, look at -- as we move

1 forward, what's missing, what maybe needs to be added when
2 we review these documents.

3 But it really is, in our view, an empowering
4 document for our staff. It gives them the tools that they
5 need to move forward in choosing the programs that best
6 will achieve these objectives. And that's the goal of
7 this Board, is to allow staff to be effective and
8 efficient in performing their duties and reaching these
9 goals.

10 So that's my two cents.

11 Gary?

12 COMMITTEE MEMBER PETERSEN: That's grand. I mean,
13 we should just go there.

14 I only have one thing that -- and it's very
15 specific is we have a -- we chatted about this quite a bit
16 on our goals for responsible procurement by a 5 percent
17 trigger.

18 CHAIRPERSON BROWN: Right.

19 COMMITTEE MEMBER PETERSEN: And I think we can do
20 10. And I have been shopping around to some our friends
21 in the environmental arena and some of the people who are
22 working a green procurement and procurement policies in
23 other states. And we can do 10 here.

24 CHAIRPERSON BROWN: Tell me what directive.

25 COMMITTEE MEMBER PETERSEN: SB-6, Increase

1 Environmental Responsible Procurement by State Agencies by
2 10 Percent Per Year.

3 So I just -- that's all I had to say.

4 CHAIRPERSON BROWN: Okay. Thank you.

5 Rosalie?

6 COMMITTEE MEMBER MULÉ: Thank you, Madam chair.

7 Just a few comments. I have been on this -- serving on
8 this Board, now, for a little over two and a half years.
9 And this is something to me that is fundamental to the
10 success of this organization and the future of this
11 organization.

12 And as many of my fellow Board members know, we've
13 embarked on a process as early as -- it's a little bit
14 more than two years ago, just about two years ago, to try
15 to figure out how do we structure this focus, if you will,
16 and this direction.

17 And Madam Chair, I do want to thank you for your
18 leadership in guiding us through this process. And I
19 really mean that. Because we were struggling on how do we
20 go about this? And we had staff do white papers, and we
21 went through a number of processes.

22 But it was when you came on Board, Madam Chair and
23 said, you know, we really need to take a step back and
24 look at the organization and look at -- really clarify the
25 roles and responsibilities of the Board members, our

1 relationship to the executive director, clarify the
2 executive director's roles and responsibilities, clarify
3 the roles of staff, and then through the strategic
4 directives, provide that focus and direction for the
5 organization.

6 And this -- I just want to say, this process truly
7 was the right process. And you know, it's just a matter
8 of fumbling through a few other processes before we got
9 here. So I just want to thank you for your leadership on
10 this. And I think that we've all enjoyed the process.
11 And I know, even Board Member Petersen sitting through
12 some many long meetings, I, you know, I just think it was
13 a good process. I think we got to know each other better
14 and what our goals and objectives were, as individuals.

15 COMMITTEE MEMBER PETERSEN: Everybody did a grand
16 job. I just couldn't sit still that long.

17 CHAIRPERSON BROWN: I was going to mention, we
18 would be remiss without thanking our consultant, Eric
19 Douglas who's in the audience, who patiently went through
20 twice -- two consecutive days, monthly, from, I think, May
21 all the way through to now, with the characters that we
22 have on our Board and advisers. And the staff
23 participation was invaluable to the process. So we will
24 continue to discuss.

25 But I also do want to mention the extremely

1 important role -- that we appreciate Cheryl Peace and Pat
2 Wiggins played a major role and contributed significantly
3 to this process as well. And Cheryl's term expired at the
4 end of a last year. And Pat, as we all know, was elected
5 to the Senate.

6 But they were very instrumental and important in
7 the process of developing the strategic directives. And I
8 don't think we could have done it without all six members
9 really committed to this organization and the success of
10 this organization. So we will continue.

11 As I mentioned at the opening, I appreciate the
12 executive staff's participation and looking at these
13 through new glasses, recently, and having some more
14 feedback on them. We may, you know, supply some edits
15 between now and next Tuesday. We may bring it up for
16 consideration on Tuesday. We may table it to next month.
17 We have not made that decision. But we -- we look forward
18 to the dialogue and participation from our stakeholders
19 that this process provides. And I think that's the most
20 important part as we move forward.

21 So we've exhausted this.

22 And couple housekeeping items. We've left the
23 roll open for Committee Item A and B. So we will conclude
24 those items with unanimous support and put both of these
25 items on the consent calendar for the Board agenda on

1 Tuesday. We will leave this workshop item open for
2 consideration, and notification will be on the Internet
3 whether we will continue dialogue on Tuesday.

4 There has been a new Senate appointee who will be
5 joining our Board sometime this week. And we anticipate
6 that Senator Chesbro will be with us on Wednesday next
7 week. So we may open this item up, again, for discussion
8 on Wednesday. We may table it to the following month.

9 So if you are interested in it, check the Web.

10 And with that, I will adjourn this meeting.

11 Thank you.

12 (Thereupon the California Integrated Waste
13 Management Board, Strategic Policy
14 Development Committee meeting adjourned at
15 11:01 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. KENYON, a Certified Shorthand Reporter
3 of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the
5 foregoing California Integrated Waste Management Board,
6 Strategic Policy Development Committee meeting was
7 reported in shorthand by me, Kathryn S. Kenyon, a
8 Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand this
14 22nd day of January, 2007.

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23 KATHRYN S. KENYON, CSR

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